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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,111	11/18/2003	Dwayne Need	MFCP.110237	6120

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EXAMINER	
WAI, ERIC CHARLES	
ART UNIT	**PAPER NUMBER**
2195	

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,111	NEED ET AL.	
	Examiner	Art Unit	
	Eric C. Wai	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4, and 13-16 are presented for examination. Claims 5-12, and 17-24 have been cancelled in amendment filed 10/17/2007.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. The claims are directed to a signal directly or indirectly by claiming a medium and the Specification recites evidence where the computer readable medium is define as a "wave" (such as a carrier wave). In that event, the claims are directed to a form of energy which at present the office feels does not fall into a category of invention. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, Jr. et al (US Pat No. 5,129,084 hereinafter Kelly).

7. Regarding claim 1, Kelly teaches a threaded computing environment having a plurality of contexts (col 5 lines 24-28, wherein threads execute contexts), a method for allocating the access of threads to a resource, the method comprising:

receiving a request to access the resource from a first thread (col 29 lines 1-2);

determining whether the resource is presently being accessed by a second thread (col 29 lines 2-11), and:

if the resource is presently being accessed by a second thread, denying the request to access the resource received from the first thread (col 29 lines 9-11); and

if the resource is not presently being accessed by a second thread, allowing the request to access the resource received from the first thread (col 29 lines 6-9).

8. Kelly does not explicitly teach that each context is capable of containing a queue, context settings, a context dictionary, and objects. It is old and well known in the art that

processors supporting context would have various features to support the use of such contexts.

9. Furthermore Kelly does not teach that the resource is a user interface context. A user interface context is defined by Applicant to be a context within which output is provided to a user and through which input is received ([0006]). It would have been obvious to one of ordinary skill in the art at the time of the invention that the user interface context is a resource since threads frequently require access to the user.

10. Regarding claim 13, it is the computer readable media claim of claim 1 above. Therefore it is rejected for the same reasons as claim 1 above.

11. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, Jr. et al (US Pat No. 5,129,084) in view of Coutant (US Pat No. 6,293,712).

12. Regarding claim 2, Kelly does not teach:

maintaining a context record associated with each thread that identifies the contexts accessed by the thread, the most recent entry in the context record indicating the context presently being accessed by the thread;

when a thread accesses an object in the user interface context, checking the most recent entry in the context record associated with the thread;

determining whether the most recent entry in the context record matches the context of the object being accessed; and

if the most recent entry in the context record does not match the context of the object being accessed, raising an exception.

13. Coutant teaches using a "context record" which is used to describe thread state in the most recent procedure activation at the point of interruption (col 5 lines 52-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly to utilize a context record to track previously performed procedures by the thread to perform exception handling. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly and Coutant by checking the most recent entry in the context record to match the context of the object being accessed. One would be motivated by the desire to ensure that the information saved to the context record is correct.

14. Regarding claim 14, it is the computer readable media claim of claim 2 above. Therefore it is rejected for the same reasons as claim 2 above.

15. Claims 3-4 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, Jr. et al (US Pat No. 5,129,084) in view of Applicant's Admitted Prior Art (AAPA).

16. Regarding claim 3, Kelly teaches:

maintaining thread settings associated with threads (col 5 lines 30-35).

17. Kelly does not teach maintaining context settings in the user interface context; and applying the context settings of the user interface context in place of the thread settings of any thread accessing the user interface context. AAPA teaches that providing backwards compatibility for older software is performed as much as possible ([0009]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the resources of Kelly to provide executing threads with settings to better utilize such resources to ensure compatibility.

18. Regarding claim 4, Kelly and AAPA do not explicitly teach restoring the thread settings when a thread departs the user interface context. It would have been obvious to one of ordinary skill in the art at the time of the invention to include restoring the thread settings after the thread finished using the resource.

19. Regarding claims 15-16, they are the computer readable media claims of claims 3-4 above. Therefore they are rejected for the same reasons as claims 3-4 above.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EW

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